

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

**OHIO VALLEY ENVIRONMENTAL
COALITION, INC.; WEST VIRGINIA
HIGHLANDS CONSERVANCY, INC.;
and SIERRA CLUB,**

Plaintiffs,

v.

CIVIL ACTION NO. 3:11-cv-00 115

ERP ENVIRONMENTAL FUND, INC.,

Defendant.

DECLARATION OF TIMOTHY E. DIXON, COUNSEL TO THE DEFENDANT

The undersigned hereby affirms under penalties of perjury as stated in this Declaration.

1. I am over 21 years of age and suffer from no impairment or disability affecting my ability to give truthful testimony.

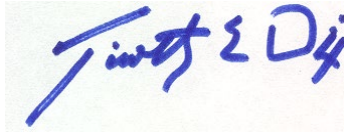
2. I am employed as corporate counsel to Defendant, ERP Environmental Fund, Inc. (“ERP”) and am authorized to speak on its behalf in this matter.

3. I reside in Ellicott City, Maryland.

4. Pursuant to the Court’s April 4, 2019 Order, Christopher M. Hunter (“Counsel”) served me with both a copy of Jackson Kelly PLLC’s Motion to Withdraw as counsel for ERP in this matter and a copy of the Court’s April 4, 2019 Order allowing ERP until April 11, 2019 to notify the Court whether it agrees or objects to Counsel and Jackson Kelly PLLC’s intended withdrawal.

5. I hereby advise the Court that ERP does not object to the withdrawal of Counsel, Jackson Kelly PLLC, or any other Jackson Kelly PLLC attorneys who have appeared on its behalf in this matter.

This Declaration is given this 10th day of April, 2019.

A handwritten signature in blue ink, appearing to read "Timothy E. Dixon", is written over a light blue rectangular background.

Timothy E. Dixon, Esquire
192 Summerfield Court, Suite 203
Roanoke Virginia 24019
Virginia Bar Number: 90482